

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALLEN EUGENE HARRIS,)	
)	
Petitioner,)	
)	Civil Action No. 09-315 Erie
v.)	
)	
COMMONWEALTH OF)	
PENNSYLVANIA,)	
)	
Respondent.)	

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on December 16, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 23], filed on September 26, 2011, recommended that the Petition be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the Petition and documents in the case, together with the Report and Recommendation, the following order is entered:

 AND NOW, this 17th day of October, 2011;

 IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

 The Report and Recommendation [ECF No. 23] of Magistrate Judge Baxter, filed on September 26, 2011, is adopted as the opinion of the Court.

 The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge